

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

KENNY DAVIS,	:	
	:	
Petitioner	:	
	:	7:06-CV-3 (HL)
vs.	:	
	:	
DWIGHT HAMERICK, Warden,	:	
	:	PROCEEDINGS UNDER 28 U.S.C. § 2254
	:	BEFORE THE U.S. MAGISTRATE JUDGE
Respondent	:	

ORDER

Petitioner **KENNY DAVIS** has petitioned this court to allow him to proceed *in forma pauperis* in the above-captioned proceeding brought under the provisions of 28 U.S.C. § 2254. The affidavit filed in support of the application to proceed *in forma pauperis* shows petitioner has \$71.81 in his prison account. The filing fee for § 2254 proceedings is \$5.00.

In the opinion of this court, petitioner does not meet the indigency requirements to permit him to proceed *in forma pauperis*; he has sufficient funds to enable him to pay the required filing fee herein. Accordingly, petitioner's application to proceed *in forma pauperis* is **DENIED**. Petitioner shall have thirty (30) days to submit the \$5.00 filing fee. Petitioner's failure to timely submit the filing fee shall result in the dismissal of the instant petition.

SO ORDERED, this 11th day of January, 2006.

/s/ Richard L. Hodge

RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE

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